



PATENT
Customer No. 22,852
Attorney Docket No. 9914.0004-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Mary Jane Cardoso et al.) Group Art Unit: 1648
)
Application No.: 10/786,380) Examiner: STACY BROWN CHEN
)
Filed: February 24, 2004) Confirmation No.: 3579
)
For: RECOMBINANT MVA VIRUS EXPRESSING DENGUE VIRUS
ANTIGENS, AND THE USE THEREOF IN VACCINES

MAIL DROP AMENDMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, BAVARIAN NORDIC A/S, duly organized under the laws of Denmark and having its principal place of business at Bogeskovvej 9, Kvistgard DK-3490, Denmark; Assignee, UNIVERSITI MALAYSIA SARAWAK, duly organized under the laws of Malaysia and having its principal place of business at 94300 Kota Samarahan, Sarawak, Malaysia; and Assignee GSF-FORSCHUNGSZENTRUM FÜR UMWELT UND GESUNDHEIT GMBH, duly organized under the laws of Germany and having its principal place of business at Ingolstädter Landstraße 1, D-85764 Neuherberg, Germany, represent that they are the assignees of the entire right, title and interest in and to the above-identified application, Application No. 10/786,380, filed February 24, 2004, for RECOMBINANT MVA VIRUS EXPRESSING DENGUE VIRUS ANTIGENS, AND THE

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USE THEREOF IN VACCINES in the names of Mary Jane CARDOSA *et al.*, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 013398, Frame 0035, and a change of name recorded at Reel 015713, Frame 0511; Reel 013148, Frame 0909; and Reel 013148, Frame 0760, copies of which are attached hereto. Assignees, BAVARIAN NORDIC A/S, UNIVERSITI MALAYSIA SARAWAK, AND GSF-FORSCHUNGSZENTRUM FÜR UMWELT UND GESUNDHEIT GMBH, further represent that they are the assignees of the entire right, title and interest in and to U.S. Patent No. 6,869,793, for RECOMBINANT MVA VIRUS EXPRESSING DENGUE VIRUS ANTIGENS, AND THE USE THEREOF IN VACCINES in the names of Mary Jane CARDOSA *et al.*, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 013398, Frame 0035, and a change of name recorded at Reel 015713, Frame 0511; Reel 013148, Frame 0909; and Reel 013148, Frame 0760, copies of which are attached hereto.

To obviate a double patenting rejection, assignees hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issuing from U.S. Patent No. 6,869,793. Assignees hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,869,793 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignees do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,869,793, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,869,793 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of assignee BAVARIAN NORDIC A/S.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: Petra Pielken.
Signature

Name: Dr. Petra Pielken

Title: Director Patent Department

Assignee: BAVARIAN NORDIC A/S

Dated: 24 May 2007

Power of Attorney

(Handlungsvollmacht)

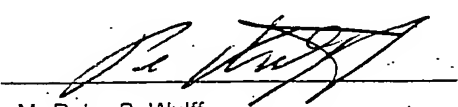
Bavarian Nordic A/S, CVR-no. 1627 1187, Bøgeskovvej 9, DK-3490 Kvistgaard, Denmark herewith authorise Dr. Petra Pielken to sign and execute on behalf of Bavarian Nordic A/S, all documents relating to filing, prosecution and issuance of patents in the name of Bavarian Nordic A/S and its subsidiaries, as well as to represent Bavarian Nordic A/S in all matters relating to intellectual properties.

This authorisation remains in force until further notice.

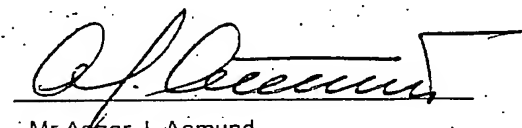
Bavarian Nordic A/S, CVR-no: 1627 1187, Bøgeskovvej 9, DK-3490 Kvistgaard, Denmark bevollmächtigt hiermit Dr. Petra Pielken für die Bavarian Nordic A/S sowie ihrer Tochtergesellschaften auf dem Gebiet des Gewerblichen Rechtsschutzes zu handeln und zu zeichnen und das Unternehmen auf diesem Gebiet nach aussen hin zu vertreten.

Diese Vollmacht is gültig bis auf Widerruf.

Signed on behalf of Bavarian Nordic A/S before a Notary in Helsingør, Denmark on 11/6 2004


Mr Peter S. Wulff

CEO and President


Mr Asger J. Aamund

Chairman of the Board

Grunddata: 182501 01 0000.0083
60000-00347/2004

11.06.2004 Ri
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BAVARIAN NORDIC




This is to certify that **Peter Samuel Wulff** and **Asger Joseph Aamund**, who today in my presence at the Notarial Office approved and signed this document, pursuant to a transcript from the Danish Commerce and Companies Register have powers to sign on behalf of the Company.

Peter Samuel Wulff has proved his identity by showing passport number 1020 18666.

Asger Joseph Aamund has proved his identity by showing passport number 1004 20882.

The Court in Helsingør, Denmark, 2004.06.11.


Charlotte Løfberg
Notary Public



This is to certify that the above signature given ex officio is that of Charlotte Løfberg acting notary public of Helsingør, Denmark
Copenhagen, 15-06-2004
The Danish Court Administration


J. Roelsgaard



THE TRUE SIGNATURE OF
J. Roelsgaard
IS HEREBY CERTIFIED.
COPENHAGEN, 16 JUNI 2004
FOR THE MINISTER FOR FOREIGN AFFAIRS.
B.A.

